

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

D. C. and T.W., Minors, by and through their)
Next Friend, ALEX HIGGINBOTTOM,)
Plaintiffs,) Case No.: 4:11CV 02042RWS
-vs-)
UNITED STATES of AMERICA, et. al.)
Defendants.)

JUDGMENT AND ORDER APPROVING SETTLEMENT WITH DEFENDANT
UNITED STATE OF AMERICA

This matter is before the Court on plaintiff's Motion for Approval of Wrongful Death Settlement with the defendants. The Court conducted a hearing on February 26, 2013 and heard testimony from Alex Higginbottom, Next Friend of the minor plaintiffs. The parties have presented to the Court for review and approval a Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 related to the settlement between plaintiffs and defendant United States of America, which has been marked as Exhibit 1.

Evidence adduced, and the Court being fully advised, this Court FINDS as follows:

1. That DaShawn Cannon and Timothy Williams, II, minors and plaintiffs herein, were the natural children of decedent Alexis Higginbottom, and are Class I beneficiaries under RSMo. § 537.080.1. There are no other Class I beneficiaries entitled to share in the proceeds of this settlement.
2. That Alex Higginbottom has been appointed Next Friend of both minor plaintiffs and is empowered, entitled, and legally authorized, on their behalf, to prosecute this action,

negotiate a settlement, and administer the proceeds of the settlement in accordance with this Court's orders.

3. That Attorney Brian Kurth and the law firm of Meyerkord & Meyerkord, LLC, have prosecuted this claim on behalf of plaintiffs.

4. That the parties bargained in good faith relative to the settlement.

5. That the negotiated settlement of three hundred fifty thousand dollars (\$350,000.00) between plaintiffs and United States of America, is fair and reasonable and in the best interests of all Class I Beneficiaries under RSMo. § 537.080.1.

6. That the terms of the settlement are fairly summarized in Hearing Exhibit 1, which is the Release pertaining to this defendant. The Court has reviewed said Exhibit and found all terms to be in the best interests of all parties in accordance with the Federal Tort Claims Act.

7. That Attorney Brian Kurth and the law firm of Meyerkord & Meyerkord, LLC, have fees and litigation expenses incurred on behalf of plaintiffs. Said fees and expenses are deemed fair and reasonable in light of the complex nature of this suit and the statutory guidelines of the Federal Tort Claims Act.

THIS COURT ORDERS AS FOLLOWS:

1. This settlement is fair and reasonable.

2. That proper notice has been given to all parties entitled to take under RSMo. § 537.080.1, and their interests have been considered in the apportionment of this settlement.

3. This settlement was entered into in good faith pursuant to RSMo. § 537.060 and is in the best interests of all parties entitled to take under RSMo. § 537.080.1.

4. That Minor plaintiffs DaShawn Cannon and Timothy Williams, II, are the sole Class I beneficiaries entitled to share in the proceeds of this wrongful death settlement pursuant to RSMo. § 537.080.1.

5. That Alex Higginbottom, as Next Friend of the minor plaintiffs DaShawn Cannon and Timothy Williams, II, is empowered, entitled, and legally authorized to consummate this settlement and is hereby ordered to sign the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 related to the settlement between plaintiffs and defendant United States of America, which has been marked as Exhibit 1.

6. The Court approves as reasonable and appropriate the legal fees and litigation expenses incurred in the prosecution of this litigation and disclosed by Meyerkord & Meyerkord, LLC at the February 26, 2013 hearing.

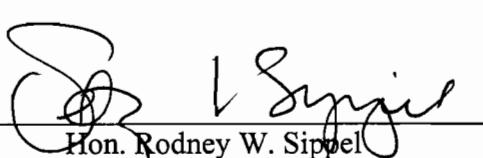
7. Defendant United States of America is ordered to pay three hundred fifty thousand dollars (\$350,000.00) pursuant to the terms contained in Exhibit 1.

8. Alex Higginbottom, by and through his attorneys, is ordered to sign a Stipulation for Dismissal with regard to defendant United States of America as well as its employees, Dr. Veronica Cross and Dr. Jade James, with each party to bear its own costs.

DATE:

April 12, 2013

SO ORDERED:


Hon. Rodney W. Sippel